

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

Update on the Title III Program, Language Instruction for Limited English Proficient (LEP)/English Language Learners (ELLs) and Immigrant Students

Applicable Statute or Regulation:

KRS 156.645 Capacities required of students in public education; KRS 158.6451 Goals for Commonwealth's schools; KRS 158.6453 Assessment of achievement goals; KRS 158.649 Achievement gaps; KRS 158: 649 Program of Studies; Title III, Title I, and Title IX, No Child Left Behind Act (NCLB) of 2001; Title VI of the Civil Rights Act of 1964; 703 KAR 5:070 Procedures for the inclusion of special populations in the state-required assessment and accountability

History/Background:

Existing Policy. Title III of the *No Child Left Behind Act (NCLB) of 2001* focuses attention on the academic achievement of more than 5 million students who are English language learners. States must ensure that these students, including immigrant children and youth, attain English language proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards as all children are expected to meet. School districts in Kentucky provide education programs and services for English language learners across all grade levels, beginning with preschool through high school. The NCLB requirements complement the parameters set forth in *Kentucky's Program of Studies for P-12* for all students. In addition, there is a section in the Program of Studies that specifically addresses students with limited English proficiency.

In state documents, Kentucky primarily uses the term "limited English proficiency" referenced in Title III legislation. This definition states that a "student with limited English proficiency" is an individual who is an English language learner who has sufficient difficulty speaking, reading, writing, or understanding the English language. These difficulties may deny the individual the opportunity to meet the state's proficient level of achievement on state assessments, to successfully achieve in classrooms where the language of instruction is English or to participate fully in society. Attachment A provides the definitions, as they exist in Title IX law.

Researchers and leaders in the field have begun using the term English language learners or ELLs when discussing this population of students. Support for this term stems from the belief that these students are mastering another language not limited or deficient because their language is not the language of the dominant culture. The term ELL also focuses educators on the specific educational needs of these students, which is attaining English language

proficiency and reaching proficiency in the state content standards expected of all students. Consistent with the movement in the research and the field, the Kentucky Department of Education (KDE) has begun to use the term ELLs in state communications.

Prior to the enactment of Title III, ELL students were served in part under the protection of Title VI of the Civil Rights Act of 1964, which provided that “no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity receiving federal financial assistance.” A Department of Health, Education and Welfare memorandum of May 25, 1970 affirmed the application of the Civil Rights Act to include language minority children.

Kentucky’s Title III Program

The Title III Program provides state leadership to districts in promoting high quality education for Kentucky’s English language learners (ELLs). Kentucky’s goals reflect those outlined in Title III: Part A –English Language Acquisition, Language Enhancement, and Academic Achievement Act:

- Help local educational agencies to develop and enhance their capacity to provide high-quality language instruction education programs;
- Assist English language learners to achieve at high levels in the core academic subjects;
- Promote parental and community participation in language instruction educational programs;
- Monitor local educational agencies’ accountability for increasing English, while meeting core academic content knowledge, through improving English proficiency each fiscal year and demonstrating adequate yearly progress.

Kentucky’s ELL Student Population

Kentucky schools have experienced substantial growth in the English language learner population over the past several years. In one decade, from the 1994-1995 school year to the 2004-2005 school year, the English language learner population in Kentucky grew from 2,161 to 11,181.

During the 2005-2006 school year (2006-2007 data is not available at this time), Kentucky served 10,415 students eligible for Title III funding. Collectively, these students spoke 95 languages. The top five languages included the following:

- 62% Spanish
- 5% Japanese
- 4% Bosnian
- 3% Vietnamese
- 2% Chinese Mandarin

Attachment B illustrates the large variety of primary languages spoken, while Attachment C shows the rate of ELL growth in Kentucky from 1994-2005.

These English language learners come with diverse histories and traditions with a wide variety of educational experiences. Some ELL students enter our schools with a high level of proficiency in all skill areas in their native language, while others are preliterate or minimally literate in their native language. Some students with limited formal schooling may not be fully skilled in academics due to a variety of reasons, including poverty and war.

English Language Proficiency Standards For Kentucky's English Language Learners

In 2003, KBE approved the *English Language Proficiency Standards for Kentucky Schools* in draft form. Title III of NCLB required states to establish English language proficiency standards aligned to English language proficiency assessment(s) and linked to the state's academic standards (*Program of Studies* and the Core Content for Assessment). These standards:

- Define what is meant by language competency;
- Define progressive levels of competence in the acquisition of the English language specifically developed for students with limited English proficiency;
- Define the progressive levels of competency in four domains: listening, speaking, reading and writing;
- Acknowledge that rates of acquisition in these domains will vary by student and by domain (no student would be expected, for example, to move from one progressive level to another in all four domains simultaneously);
- Provide assistance to those students who enter our country with only limited or no formal schooling so that they and their families understand the school culture and community.

These content and performance standards in English language acquisition are intended to provide educators and students with a blueprint for diagnosis, determination of appropriate services, and evaluation of progress towards attaining English language proficiency. The English Language Proficiency Standards do not replace the *Program of Studies for Kentucky Schools*; rather, they serve as a pathway for Kentucky's English language learners to overcome language barriers and to access the high academic standards outlined for all Kentucky students in the *Program of Studies*. The establishment of these *English Language Proficiency Standards* was a necessary first step in determining what the English language learner knows and is able to do in listening, speaking, reading and writing in the English language, in pinpointing specific areas for growth and in designing standards-based instruction and assessment.

In addition to the *English Language Proficiency Standards*, instructional companion guides were developed to assist both regular classroom teachers and specialists in English language instruction in working collaboratively to address language and academic needs of English language learners.

The *English Language Proficiency Standards* and the instructional companion guides were collaborative products of a statewide standards development workgroup composed of English

as a Second Language practitioners and regular classroom teachers, higher education, representatives of Kentucky Teachers of English to Speakers of Other Languages (KY TESOL) and Kentucky Department of Education staff. These documents have been disseminated to Kentucky schools and districts and are available on the KDE website. KDE staff, in collaboration with educational partners, has provided professional development to teachers and administrators on these standards and effective research-based instructional strategies.

NCLB also required states to measure student achievement toward these standards through an annual administration of an English language proficiency assessment and to set measurable achievement objectives (AMAO) that relate to the development (progress) and attainment of English proficiency.

Prior to the 2005-06 school year, school districts in Kentucky were required to annually assess students with one of two English language assessments: Language Assessment Scale (LAS) or Idea Proficiency Test (IPT). As required for all states, Kentucky's goal was to move toward a single statewide language proficiency assessment, adopting state English language proficiency standards linked to this new assessment and Kentucky's revised content standards. In July 2006, Kentucky joined the World-Class Instructional Design and Assessment (WIDA) Consortium and adopted ACCESS for ELLs® as the statewide language proficiency assessment. All Kentucky districts administered the ACCESS for ELLs® to identify ELL students during the state required testing window, January 8-February 16, 2007. Assessment results will be shared with the KBE at a later meeting once the reports are available.

Currently, KDE is taking the following steps for adopting NCLB-required English language proficiency standards:

- The WIDA Consortium and its partner, Wisconsin Center for Educational Research (WCER) facilitated a study with Kentucky educators to determine the degree of alignment between the WIDA *English Language Proficiency Standards for English Language Learners* and Kentucky core content standards and the degree of alignment between the WIDA standards and Kentucky language proficiency standards.
- A preliminary report on the results of this study has been completed and will be presented to the National Technical Advisory Panel for Assessment and Accountability (NTAPAA) in early June 2007.
- Pending the NTAPAA report confirming the validity of the alignment study, KDE will recommend the acceptance of the WIDA Consortium *English Language Proficiency Standards for English Language Learners in Kindergarten through Grade 12* as Kentucky's NCLB required English language proficiency standards to act as a companion document to *The Program of Studies for Kentucky Schools Primary – 12 (2006)* in guiding instruction for Kentucky English language learners. (KDE anticipates presenting this discussion to the KBE in August 2007.)

Resources for ELL Students

In order to assist schools in meeting the needs of this growing population of students, it is necessary to provide appropriate financial and professional resources.

SEEK Funding

In 2004-2005, the Support Education Excellence in Kentucky (SEEK) Funding for Limited English Proficient Students began to provide additional funding support for ELL students.

- This funding supplements spending for ELL students and is not considered adequate funding alone for a district's ELL program.
- These general fund dollars are not attached to the federal Title III Program under NCLB and are not subject to the Title III grant restrictions for expenditures, so the money can be used for additional services to ELL students.
- SEEK Funding for ELL students was added in the following amounts:
 - 2005-06: \$2,886,825.00
 - 2006-07: \$2,740,190.00
 - FY2007-08: Projected calculation for the state is \$4,453,214.00

Title III Funding

The reauthorization of ESEA under NCLB in 2001 effectively ended Title VII (Bilingual Education), which had provided competitive grants to state education agencies (SEAs), local education agencies (LEAs) and institutions of higher education (IHEs) to support professional development programs for ELL educators. This support did not include any direct funding to districts serving ELLs.

Under NCLB, Title III Part A provides formula grants to SEAs, which in turn provide formula subgrants to their LEAs or consortia based on ELL enrollment. These grants supplement state and locally funded language instruction of ELL and immigrant students. Title III Part B provides competitive grants directly from the United States Department of Education (USDOE) to SEAs, LEAs, and IHEs or to consortia of any of these three to support innovative professional development programs for educators serving ELLs.

For immigrant children and youth, Title III Part A funding includes a separate formula for "emergency immigrant" funds, meaning only for districts or consortia with a significant increase of immigrant students in the last two years. Attachment D shows the trends in Title III funding allocations for ELL and immigrant students served from 2003-07.

Partnerships

The KDE works with partners to provide professional development focused on identification and placement of ELL students, the creation of an individual language instruction plan or Program Services Plan (PSP) based on students' language and instructional needs and the

requirements for and the selection of instructional program models based on scientific research.

Internal and external partners who assist KDE's Office of Teaching and Learning in these efforts include: Kentucky Education Cooperatives, the U.S. Department of Education, the Appalachian and Mid-Atlantic Comprehensive Centers, the Council of Chief State School Officers (CCSSO), National Center for Family Literacy (NCFL) and the Southeastern Equity Center (SEC). Collaboration within KDE offices and programs include: Assessment and Accountability, Exceptional Children Services, Reading First, Read to Achieve, Dropout Prevention, Career and Technical Education, Migrant Education and the Division of Budgets, among others.

Some of the services to support districts' ELL programs include:

- **TransACT:** an affordable way for districts to meet the multi-lingual parent notification requirements of No Child Left Behind and the Office of Civil Rights.
- **English Language Learner Academy (ELLA):** a four-day professional development opportunity for 4th through 12th grade teams covering best practices for working with ELLs.
- **Mini-ELLAs:** a one-day training opportunity for kindergarten through 3rd grade teachers covering best practices for working with ELLs.
- **Emergent LEP Training:** a professional development opportunity specifically designed for districts that have emerging ELL populations (low density).
- **Entering, Interpreting and Using LEP Data in STI:** a training session to inform schools how to enter LEP Immigrant data into STI, how to interpret AMAO reports, and how to use the district's AMAO LEP Immigrant progress data for programming purposes.
- **ACCESS/W-APT Training:** technical assistance conducted throughout the year in collaboration with the Office of Assessment and Accountability (OAA) and Title III on the administration of these assessments.
- **English Language Learner Newsletter:** an electronic communication to all Title III/ELL District Coordinators to share upcoming professional development opportunities, resources and answers to frequently asked questions.
- **English Language Learner Program Monitoring:** an on-going process involving desk audits, site visits, meetings and conferences to support districts in meeting NCLB compliance for ELLs.

Impact on Getting to Proficiency:

KDE must keep pace with the need to provide high quality assistance to schools and districts that serve ELL students by helping them to:

- Implement Title III mandates for data collection, reporting, assessment and accountability as they change;
- Build capacity to meet rigorous ELL student achievement goals for academic success;
- Disseminate knowledge, create expertise, and create data-driven instructional programs proven effective for ELL education.

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